

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Jean-Pierre HOUEL

Art Unit: 1761

Application No.: 10/780,733

Conf. No. 3304

Examiner: T. SIMONE

Filed: February 19, 2004

Washington, D.C.

For: TOASTER WITH REMOVABLE BASE

Atty.'s Docket: HOUEL=2

Date: February 24, 2005

THE COMMISSIONER OF PATENTS
Customer Service Window
Randolph Building, Mail Stop Amendment
401 Dulany Street
Alexandria, VA 22314



Sir:

Transmitted herewith is a [XX] Amendment []
in the above-identified application.

[] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[] No additional fee is required.

[XX] The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
TOTAL	*	MINUS	** 20	0	x 25	\$		x 50	\$
INDEP.	*	MINUS	*** 3	0	x 100	\$		x 200	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ 180	\$		+ 360	\$
					ADDITIONAL FEE TOTAL			TOTAL	

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[XX] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[] First - \$ 60.00

[] Second - \$ 225.00

[] Third - \$ 510.00

[] Fourth - \$ 795.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

[XX] First - \$ 120.00

[] Second - \$ 450.00

[] Third - \$ 1020.00

[] Fourth - \$ 1590.00

Month After Time Period Set

[] Less fees (\$) already paid for month(s) extension of time on .

[] Please charge my Deposit Account No. 02-4035 in the amount of \$.

[XX] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$120.00.

[] A check in the amount of \$ is attached (check no.).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

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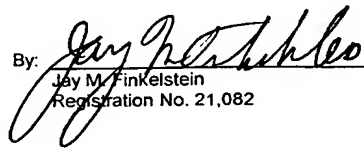
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BROWDY AND NEIMARK, P.L.L.C.

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By: 
Jay M. Finkelstein
Registration No. 21,082



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: HOUEL=2

In re Application of:)	Art Unit: 1761
)	
Jean-Pierre HOUEL)	Examiner: T. SIMONE
)	
Appln. No.: 10/780,733)	Washington, D.C.
)	
Filed: February 19, 2004)	Confirmation No. 3304
)	
For: TOASTER WITH REMOVABLE)	February 24, 2005
BASE)	

RESPONSE

Honorable Commissioner for Patents
Customer Service Window
Randolph Building, Mail Stop Amendment
401 Dulany Street
Alexandria, VA 22314

Sir:

The Examiner's action dated October 25, 2004, has been received, and its contents carefully noted.

The indication of allowability of claims 3-9 is noted with appreciation. Since, however, it is believed that claims 1 and 2 also distinguish patentably over the prior art, claims 3-9 have not been amended to place them in independent form.

The rejection of claims 1 and 2 as anticipated by any one of three references is respectfully traversed for the reason that the toaster defined in claim 1 is simply not disclosed in any one of those references.

Appln. No. 10/780,733
Amd. dated February 24, 2005
Reply to Office Action of October 25, 2004

The present invention is directed to a toaster having a base that is removably connectable to a case, with the base and the case having respective elements that interact with one another when the case is disposed on the base, such that withdrawal of the case from the base suppresses the interaction to prevent the supply of electric power to the heating elements. The applied references have been carefully reviewed, but have not been found to contain any disclosure of the present invention, as defined in claim 1, and particularly of the novel features described above.

Swiss patent No. 401,288 discloses a toaster having a toasting chamber 16 that rests on a base, with two spacers 5, 6 being disposed between the chamber and the base to permit circulation of air. No mention has been found in this reference that the base is removable, or that the base cooperates with a case in the manner defined in the last five lines of application claim 1.

Swiss patent No. 236,003 describes a toaster having a removable base 4 that supports a toasting chamber 1. A latching system is provided for removably attaching the base to the toasting chamber. However, the drawings of this reference clearly show that the power supply for the heating elements is mounted on the case that encloses the toasting chamber, so that it is clear that there is no interaction

between the case and the base that would, as defined in application claim 1, prevent the supply of electric power to the heating elements.

German patent document 2025525 describes a toaster having a removable base 5 supporting a case 4 that contains a toasting chamber. This reference mentions a conductive part 14 consisting of a control element 14 disposed in base 1. However, the reference is otherwise completely vague and indefinite about the purpose of element 14. It should particularly be noted that there is no mention made in this reference of any elements that interact with one another when the case is disposed on the base. Nor is there any mention of suppression of such interaction upon separation of the case from the base.

It is further noted that Figure 1 of this reference contains no illustration of element 14, or the power supply components, or components for connecting the base and case together.

It is therefore submitted that none of the applied references provides a disclosure of the claimed invention, especially when account is taken of the fact that in order to anticipate an application claim, the reference must disclose every claimed feature in a manner that places those skilled in

the art in possession of the invention, without referring to the disclosure of the Application being examined.

Therefore, it is submitted that claim 1, as well as the claims dependent therefrom, distinguishes patentably over each of the references and it is accordingly requested that the prior rejections be reconsidered and withdrawn.

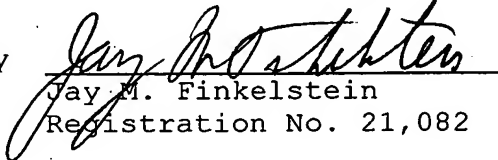
If, contrary to expectations, the rejection based on any of the references is repeated, the Examiner is respectfully asked to clearly identify the portions of each reference Specification that are asserted to disclose each claim feature.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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